

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

TRAVELERS CASUALTY & SURETY)
COMPANY OF AMERICA,)
)
Plaintiff,)
)
vs.) CIVIL ACTION NO. 1:22-cv-493-TFM-M
)
HUGHES PLUMBING & UTILITY)
CONTRACTORS, INC., *et al.*,)
)
Defendants.)

ASSET TRANSFER INJUNCTION ORDER

Pending before the Court is the *Motion for Specific Performance as to Collateral Security Deposit Provisions and Injunctive Relief Relating Thereto, and Supporting Memorandum* (Doc. 5, filed December 16, 2022) and the *Amended and Supplemental Motion for Specific Performance and Injunctive Relief* (Doc. 20, filed February 23, 2023). The Court set this matter for a video teleconference that was held on March 2, 2023, and a follow-up video teleconference on March 10, 2023, to discuss the aforementioned motions and at which counsel for both parties appeared. Based on the agreement of the parties, the Court **ORDERS** as follows:

- 1) Defendants Hughes Plumbing & Utility Contractors, Inc. (“HPUC”), and Preston W. Hughes, III (“Hughes”), are ordered to produce all documents identifying any creditors or lien holders on the equipment to be the subject of a collateral agreement, including all loan documents and most recent statements (to include outstanding balances) related to lines of credit, purchase money security interests, or any other debt obligation secured by the equipment within ten (10) days. This obligation is in addition to any previous agreement to permit an in-person inspection and appraisal of the equipment.

2) Defendants HPUC and Hughes are ordered confer and agree with Plaintiff Travelers Casualty & Surety Company of America's ("Travelers") on two (2) consecutive days within the next thirty (30) days for HPUC's outside CPA to meet with Travelers' designee for a "books and records review." The parties shall confer on dates for the review within the next ten (10) days.

3) Prior to the agreed date for the "books and records review," HPUC and Hughes shall, in good faith, undertake to provide the financial records and information requested by the accounting firm engaged by Travelers, as is detailed in the Jan. 30, 2023 letter request that is attached as Ex. "B" to the Amended and Supplemental Motion (Doc. 20-2), with the exception of records from Dr. LaToya Clark ("Dr. Clark") or information related to her finances. However, if Travelers determines it is necessary to obtain the financial records of Dr. Clark, it is required to first request an Order from this Court that permits it to proceed in its efforts to do so and show good cause that the finances of HPUC and/or Hughes that are the subject of this litigation have been comingled with those of Dr. Clark.

The Motion for Specific Performance as to Collateral Security Deposit Provisions and Injunctive Relief Relating Thereto, and Supporting Memorandum (Doc. 5) and the Amended and Supplemental Motion for Specific Performance and Injunctive Relief (Doc. 20) are both **GRANTED in part and DENIED in part**. The motions are **GRANTED** insofar as the requested relief is reflected in the parties' above agreement and **DENIED** insofar as the requested relief is not reflected in the parties' above agreement.

DONE and **ORDERED** this the 20th day of March 2023.

s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE